

N.C.P.I.-Crim. 223.40
UNLAWFUL OPERATION OF AN AUDIOVISIUAL RECORDING DEVICE.
MISDEMEANOR.
GENERAL CRIMINAL VOLUME
JUNE 2006
N.C. Gen. Stat. § 14-440.1

223.40 UNLAWFUL OPERATION OF AN AUDIOVISIUAL RECORDING
DEVICE. MISDEMEANOR.

The defendant has been charged with unlawful operation of an audiovisual recording device.

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt:

First, that the defendant [operated] [attempted to operate] an audiovisual device. An audiovisual recording device is any device, capable of recording, copying, or transmitting a motion picture, or any part thereof, regardless of whether audiovisual recording is the sole or primary purpose of the device.

Second, that the defendant [operated] [attempted to operate] the audiovisual recording device in a motion picture theater. A motion picture theater means a movie theater, screening room, or other venue that is being utilized primarily for the exhibition of a motion picture at the time of the offense.

Third, that the defendant [operated] [attempted to operate] the audiovisual recording device to [transmit] [record] [make a copy of] the motion picture, or any part thereof.

And Fourth, that the defendant did so without the written consent of the motion picture theater owner.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [operated] [attempted to operate] an audiovisual recording device in a motion picture theater to [transmit] [record] [make a copy of] a motion picture without the theater owner's

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written consent, it would be your duty to return a verdict of guilty. If you do not so find or if you have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.